

**SYNOPSIS OF LITIGATION FOR CUMBERLAND COUNTY
NOVEMBER 8, 2017, THROUGH NOVEMBER 20, 2018**

#1

Name of Case: Spec Ops Expo; Spec-Ops Expo; Spec Ops; Special Operations Expo; Special Operations Exposition and Trade Show, Inc.; Special Operations Exposition & Conference; Thomas Bumback; and J. K. Idema v. The Lodestar Group, LLC; Defense Trade Shows; Catherine Vilga; Jeanne Eury; Robert E. Besal; Grainger R. Barrett; Rick Reno; Dionne LeBlanc-Hill; Cumberland County Civic Center; Crown Center; Cumberland County Civic Center Commission; Cumberland County Civic Center Commission, d/b/a Crown Center and d/b/a Crown Coliseum; Crown Center a/k/a Coliseum; and John Does 1-12; in their official and unofficial capacities

United States District Court for the Southern District of New York
Case No.: 08 CVS 3824 (PAC)

Date of the Complaint or Claim: April 22, 2008

What is the Complaint or Case About: Breach of contract, defamation

What is the Relief Sought: Monetary damages.

What is the Current Status of the Case or Claim: Attorney David Schulz of the firm, Levine Sullivan Koch & Schulz, LLP, has been retained as local counsel for all county defendants. The matter is still pending in the U. S. District Court for the Southern District of New York. According to court records, there has been no activity in this case since September 2008. An Order was entered by the court on May 31, 2011, showing the case as not open for statistical purposes. Plaintiff J. K. Idema died in 2012.

What is the Prognosis of Recovery: N/A

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: N/A

What is the Date this Case or Claim was Closed: Open.

Who is the Attorney Representing the County and/or its Employees: Ronnie Mitchell, David Schultz, Jack Carter (representing Grainger Barrett, now deceased), Steven Stokes (no longer in practice), and Reginald Gillespie

#2

Name of Case: Clifford Leon Lee, II v. Cumberland County, Angela Campbell, Sheriff Butler, et al.
Case No.: 14 CVS 9502

Date of the Complaint or Claim: December 9, 2014

What is the Complaint or Case About: Plaintiff alleges he was wrongly arrested for failing to pay child support. Plaintiff is a former attorney representing himself pro se.

What is the Relief Sought: The Plaintiff is seeking damages for negligence, false imprisonment, and intentional infliction of emotional distress.

What is the Current Status of the Case or Claim: Motions to Dismiss were filed on behalf of Cumberland County and County Employees Angela Campbell and Harry A Keating (plaintiff served Keating with a summons and complaint in July 2016). A Motion for Summary Judgment was also filed on behalf of Cumberland County and Campbell (Co-Defendants also filed dispositive motions). The case was argued in Superior Court on September 12, 2016, and the trial judge granted all the defendants' motions. Lee appealed to the North Carolina Court of Appeals, and all appellee briefs were filed by October 20, 2017. The Court of Appeals issued an Opinion on February 6, 2018, affirming the Superior Court's dismissal.

What is the Prognosis of Recovery: None.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: None.

What is the Date this Case or Claim was Closed: February 6, 2018

Who is the Attorney Representing the County and its Employees, Angela Campbell and Harry A. Keating: Rob Hasty from the County Attorney's office.

#3

Name of Case: David Hampton and Mary Hampton v. Cumberland County
Case No.: 15 CVS 7449

Date of the Complaint or Claim: October 2, 2015 (filing in Superior Court)

What is the Complaint or Case About: Plaintiffs were cited by a Cumberland County Code Enforcement Officer for operating a firing range on their property without the necessary permit and ordered to remove the firing range. The Plaintiffs' appealed to the Board of Adjustment which held a hearing on September 7, 2015. The Board of Adjustment affirmed the citation but modified the Order such that the range could remain as long as all ordinance requirements were

met (only owners allowed to use the range for occasional target practice, etc.). The Plaintiffs appealed the decision of the Board of Adjustment to Superior Court.

What is the Relief Sought: The Plaintiffs sought a finding that they were not in violation of the zoning ordinances and can operate the range for non-commercial activities.

What is the Current Status of the Case or Claim: The case was argued before a Superior Court Judge, and the decision of the Board of Review and Adjudicator was reversed by Order of April 13, 2016, allowing the range to be used by Plaintiffs with family and friends for target shooting and weapon sighting without any further guidelines or restrictions. Cumberland County filed a Notice of Appeal to the North Carolina Court of Appeals on May 12, 2016. Briefs were submitted to the Court of Appeals, and oral argument was held at the Court of Appeals on January 11, 2017. The Court of Appeals issued its opinion on December 5, 2017, remanding the case back to the Board of Adjustment for additional findings of fact to support the Board's Order. The Plaintiffs petitioned the North Carolina Supreme Court to hear the case, and the Supreme Court granted the Petition on September 20, 2018. The Plaintiffs have filed their Brief in the Supreme Court, and Cumberland County will file its Brief by December 5, 2018.

What is the Prognosis of Recovery: This case is in active litigation, and this information is only proper for closed session discussion at this time.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: This case is in active litigation, and this information is only proper for closed session discussion at this time.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#4

Name of Case: United States of America v. Kurt Michael Krol
Case No.: 5:15-CR-FL-1

Date of the Complaint or Claim: Criminal Charges filed in 2015

What is the Complaint or Case About: This is a criminal case, and the defendant agreed to forfeit certain real property located in Cumberland County to the United States as restitution for the charged crimes. The forfeiture is being contested by the defendant's wife. On July 26, 2017, a petition was filed on behalf of Cumberland County to preserve the tax lien on the real property while this case is proceeding.

What is the Relief Sought: Cumberland County seeks preservation of its tax lien in the estimated amount of \$15,177.62.

What is the Current Status of the Case or Claim: The Court issued its “Final Order of Forfeiture” on September 27, 2018, and the U.S. will dispose of the property and make payment of claims.

What is the Prognosis of Recovery: Very good.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: The lien will likely be preserved in the estimated amount of \$15,177.62.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney’s office.

#5

The county is not a party to the following case; however; the case presents a legal issue as to whether the county is liable for litigation costs assessed against the Board of Elections. Multiple county boards of elections and the state board of elections are defendants.

Name of Case: NAACP et al. v. N.C. State Board of Elections, Cumberland County Board of Elections, et al.
Case No.: 1:16-CV-1274

Date of the Complaint or Claim: October 31, 2016

What is the Complaint or Case About: Plaintiffs allege civil rights violations for improperly removing voters from voter registration rolls.

What is the Relief Sought: Injunctive relief to add removed voters to the rolls and to prevent other voters from being removed, and attorney fees.

What is the Current Status of the Case or Claim: Court ruled in favor of Plaintiffs in motions for summary judgment. An Answer and Cross-Claim against the State Board of Elections has been filed on behalf of the Cumberland County Board of Elections and the litigation process is continuing.

What is the Prognosis of Recovery: This case is in active litigation and this information is only proper for closed session discussion at this time.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: This case is in active litigation and this information is only proper for closed session discussion at this time. The only claim for damages is for court ordered attorneys’ fees which the court will order.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rick Moorefield and Rob Hasty from the County Attorney's office.

#6

Name of Case: United States of America v. Neill Guy, Cumberland County, et al.
Case No.: 5:17-CV-470

Date of the Complaint or Claim: September 15, 2017

What is the Complaint or Case About: Plaintiff seeks payment of back taxes from Neill Guy and his related companies. The County is named as notice due to possible tax liens.

What is the Relief Sought: Plaintiff seeks payment of significant back taxes from Neill Guy and his related companies.

What is the Current Status of the Case or Claim: Cumberland County filed Answer on December 8, 2017, claiming priority of its tax liens. Cumberland County and Plaintiff entered into a stipulation on March 23, 2018, whereby the Plaintiff agreed to the priority of the tax liens of Cumberland County. The case is continuing through litigation.

What is the Prognosis of Recovery: Due to the stipulation, there is a very good chance of Cumberland County receiving its payment for any taxes due.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: The tax liens are in the current estimated amount of \$27,183.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#7

Name of Case: Shekia McNeill v. Jane Doe Nurses 1 and 2, Sheriff Earl Butler, et al.
Case No.: 5:16-CV-3203

Date of the Complaint or Claim: August 11, 2016 (Amended Complaint November 2, 2017)

What is the Complaint or Case About: Plaintiff alleges she was denied Constitutional Rights for not receiving proper medical treatment while an inmate in the Cumberland County Detention Center.

What is the Relief Sought: Plaintiff seeks monetary damages for injury and emotional distress.

What is the Current Status of the Case or Claim: Cumberland County filed a Motion to Dismiss on behalf of the Jane Doe Nurses (Health Department Staff) on January 16, 2018. The Court Dismissed the case on April 9, 2018 (the claims against the Sheriff were dismissed as well).

What is the Prognosis of Recovery: None.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: None.

What is the Date this Case or Claim was Closed: April 9, 2018

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#8

Name of Case: Mohammed Imam v. Cumberland County
Case No.: 5:17-CV-621

Date of the Complaint or Claim: December 15, 2017

What is the Complaint or Case About: Plaintiff filed this action under the ADA alleging he was dismissed as retaliation for requesting to work from home due to not being able to travel to work because he was diagnosed with Deep Vein Thrombosis. The County's position is Imam was dismissed for unexcused absence from work as he can perform all the functions of his job, his attendance is necessary for his job, and telecommuting is not a reasonable accommodation under the ADA.

What is the Relief Sought: Plaintiff seeks monetary damages for back pay, compensatory damages, punitive damages, and attorney fees.

What is the Current Status of the Case or Claim: Cumberland County filed a Motion to Dismiss on May 3, 2018, and the Court heard oral arguments on October 17, 2018. The Court denied the Motion to Dismiss by Order of October 25, 2018. The parties have entered into a Scheduling Order, and the case is in the early stages of litigation.

What is the Prognosis of Recovery: This case is in active litigation and this information is only proper for closed session discussion at this time.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: This case is in active litigation and this information is only proper for closed session discussion at this time.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty and Phyllis Jones from the County Attorney's office.

#9

Name of Case: Volume Services, Inc. and Service America Corporation, collectively DBA Centerplate v. Ovations Food Services, L.P., DBA Spectra Food Services and Hospitality, Global Spectra, L.P., DBA Spectra Venue Management, Cumberland County Civic Center Commission, Cumberland County Board of Commissioners, and County of Cumberland
Case No.: 18 CVS 194

Date of the Complaint or Claim: January 8, 2018 (Amended Complaint April 1, 2018)

What is the Complaint or Case About: Plaintiff filed this action asserting sixteen causes of action (including breach of contract, civil conspiracy, and negligent misrepresentation) against Defendants related to the award of the food and beverage service contract at the Crown Complex in Cumberland County.

What is the Relief Sought: Plaintiff seeks compensatory damages, punitive damages, and attorney fees; and seeks that the contract award to Spectra be set aside and a new bidding process started for the contract. Plaintiffs also sought a Temporary Restraining Order to prevent Spectra from beginning the food and beverage service.

What is the Current Status of the Case or Claim: The Court denied the Motion for Temporary Restraining Order. Cumberland County and Co-Defendant Spectra filed Motions to Dismiss, and the Court heard oral arguments on August 30, 2018. The Court issued an Order on October 17, 2018, in which six of the sixteen claims were dismissed. Defendants filed Answer on the remaining claims, and the case is in the early stages of litigation.

What is the Prognosis of Recovery: This case is in active litigation and this information is only proper for closed session discussion at this time.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: This case is in active litigation and this information is only proper for closed session discussion at this time.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty and Rick Moorefield from the County Attorney's office.

#10

Name of Case: Gloria Scarboro v. Cumberland County and Cumberland County School System et al.
Case No.: 18 CVS 5163

Date of the Complaint or Claim: July 25, 2018

What is the Complaint or Case About: Plaintiff filed this action asserting causes of action for wrongful discharge, negligent infliction of emotional distress and state constitutional claims. Plaintiff was an employee of the Cumberland County Board of Education, and she was dismissed from employment.

What is the Relief Sought: Plaintiff seeks compensatory damages, punitive damages, and attorney fees.

What is the Current Status of the Case or Claim: Cumberland County filed a Motion to Dismiss and Answer on October 8, 2018. The basis of the motion is that Plaintiff was not an employee of Cumberland County, and Cumberland County is an improper party. Arguments for the Motion to Dismiss will be calendared in the near future. The case is in the early stages of litigation.

What is the Prognosis of Recovery: This case is in active litigation and this information is only proper for closed session discussion at this time.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: This case is in active litigation and this information is only proper for closed session discussion at this time.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#11

Name of Case: Department of Transportation v. First Citizens Bank, Thompson, et al.
Case No.: 18 CVS 2281

Date of the Complaint or Claim: March 26, 2018

What is the Complaint or Case About: Plaintiff filed this condemnation action naming Cumberland County and others who may have interest in the relevant property.

What is the Relief Sought: Plaintiff seeks that just compensation for the property be determined and all potential liens addressed.

What is the Current Status of the Case or Claim: Cumberland County filed an Answer on April 24, 2018, asserting its claim for any taxes due and payable at the time of any award. The case is in litigation.

What is the Prognosis of Recovery: The prognosis is very good that Cumberland County will have any outstanding taxes paid under this claim.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: The estimated taxes are in the amount of \$9,272.54.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#12

Name of Case: Department of Transportation v. Freddie McClean and Cumberland County
Case No.: 18 CVS 2225

Date of the Complaint or Claim: March 23, 2018

What is the Complaint or Case About: Plaintiff filed this condemnation action naming Cumberland County as it may have interest in the relevant property.

What is the Relief Sought: Plaintiff seeks that just compensation for the property be determined and all potential liens addressed.

What is the Current Status of the Case or Claim: Cumberland County filed an Answer on April 17, 2018, asserting its claim for any taxes due and payable at the time of any award. The case is in litigation.

What is the Prognosis of Recovery: The prognosis is very good that Cumberland County will have any outstanding taxes paid under this claim.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: The estimated taxes are in the amount of \$520.74.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#13

Name of Case: City of Fayetteville v. Whetsell, Cumberland County, et al.
Case No.: 18 CVS 1774

Date of the Complaint or Claim: March 7, 2018

What is the Complaint or Case About: Plaintiff filed this action asserting a lien for an assessment lien and sell of the property to pay the lien, naming Cumberland County as it may have interest in the relevant property.

What is the Relief Sought: Plaintiff seeks an Order to sell the property for payment of its assessment lien.

What is the Current Status of the Case or Claim: Cumberland County filed an Answer on April 4, 2018, asserting its claim for any taxes due and payable at the time of any Order. The case is in litigation.

What is the Prognosis of Recovery: The prognosis is very good that Cumberland County will have any outstanding taxes paid under this claim.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: The estimated taxes are in the amount of \$952.12.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#14

Name of Case: United States of America v. Harry Myles
Case No.: 5:15-CR-172

Date of the Complaint or Claim: Notice to Cumberland County on October 30, 2018

What is the Complaint or Case About: This is a criminal case, and the defendant was found guilty of the charges against him. A Preliminary Order of Forfeiture against him was entered on June 20, 2018, and served on Cumberland County on October 30, 2018. Defendant must forfeit certain real and personal property located in Cumberland County to the United States as restitution for the crimes. A Petition for Preservation of Tax Lien will be filed on behalf of Cumberland County by November 30, 2018.

What is the Relief Sought: Cumberland County seeks preservation of its tax liens.

What is the Current Status of the Case or Claim: Cumberland County is compiling the amount of its tax liens, and a Petition for Preservation of Tax Lien will be filed on behalf of Cumberland County by November 30, 2018.

What is the Prognosis of Recovery: Very good.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: The lien will likely be preserved, and the amount is currently being calculated by the Cumberland County Tax Assessor.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#15

Name of Case: Brian Clement and Beatrice Clement v. Cumberland County, McCormick Farms, L.P., and Deep Creek ATV Park, LLC

Case No.: 18 CVS 4649

Date of the Complaint or Claim: July 12, 2018

What is the Complaint or Case About: Adjoining landowner has filed a petition for a writ of mandamus for the court to order the Planning Director to issue a written opinion as to the application of a recent court of appeals case to the permitting of an ATV park in the county.

What is the Relief Sought: Writ of mandamus.

What is the Current Status of the Case or Claim: All defendants have filed motions to dismiss which are scheduled for hearing the week of December 17, 2018.

What is the Prognosis of Recovery: No monetary recovery is requested.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: None requested.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: County Attorney Rick Moorefield